UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,661	06/25/2003	John Kananghinis	200901639-1	4729

22879 7590 07/09/2009

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
ANTONIENKO, DEBRA L	
ART UNIT	**PAPER NUMBER**
3689	

NOTIFICATION DATE	DELIVERY MODE
07/09/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
jessica.l.fusek@hp.com

Office Action Summary	Application No.	Applicant(s)	
	10/606,661	KANANGHINIS ET AL.	
	Examiner	Art Unit	
	DEBRA ANTONIENKO	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 8, 2009 has been entered.

2. This is a Non-Final Office Action in response to communications received April 8, 2009, wherein:

Claims 1 and 12 have been amended; and

Claims 1-19 are pending.

Response to Arguments

3. Applicant's arguments filed April 8, 2009 have been fully considered but they are not persuasive.

4. In response to Applicant's remark that *[b]y contrast, the Buteau, et al. patent merely discloses providing for the representation of an enterprise architecture of an enterprise architecture to support strategic decision-making by engineers concerning future technology investments* (page 9 of Remarks dated April 8, 2009), the instant specification likewise provides for a "representation" of architectures and plans.

Examiner notes that when a computer generates a plan, for example, for implementation and deployment, the plan is only a representation. Examiner notes that using different words to describe the same subject matter does not effectively serve to patentably distinguish the claimed invention over the prior art. Furthermore, Examiner notes that the instant specification likewise views the decisions regarding the information technology of a business as investment decisions. *The client will also be able to determine the business value of existing and future information technology investments and make better information technology investment decisions* ([0021]).

5. In response to Applicant's remark that Buteau does not determine information technology requirements and can only adjust its existing enterprise architecture based on user input (page 10 of Remarks dated April 8, 2009), Buteau discloses *studying and analyzing enterprise architectures, and even more specifically, to inventive models for describing the relationships between technological and organizational components of enterprise architectures*. Buteau further discloses that an *enterprise architecture can be used to answer questions such as how is the enterprise vulnerable to changes in key technologies and standards. Other questions are what are optimal priorities for technology upgrades and how are technology costs distributed over processes, organizations and locations… Many organizations have a requirement to collect, analyze, and maintain a wide variety of enterprise architecture information. This information is generated/collected as part of an evolutionary process, which uses the organization can use to help develop, for example, a common MIS* [Management

Information System] *architecture* (column 1, lines 5-42; Figure 1). Considering optimal priorities for technology upgrades and developing a MIS architecture would involve what is needed in the business. While Buteau does not automate the determining of requirements, it would be common business sense to consider what the business requirements are before investing resources in information technology. Examiner notes that *it is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. In re Venner,* 120 USPQ 192 (CCPA 1958), *In re Rundell*, 9 USPQ 220 (CCPA 1931).

6. In response to Applicant's remark that the *structure provided by the proposed Buteau, et al. – Ruffin, et al. – Baudoin, et al. combination fails to show how the security architecture of the Baudoin, et al. patent can be integrated into the data gathering facility of the Ruffin, et al. patent let alone into the representation of an existing enterprise architecture of the Buteau, et al. patent* (page 10 of Remarks dated April 8, 2009), Examiner notes that *[t]he suggestion or motivation to combine references does not have to be stated expressly; rather it may be shown by reference to the prior art itself, to the nature of the problem solved by the claimed invention, or to the knowledge of one of ordinary skill in the art. Medical Instrumentation and Diagnostics Corp v. Elekta AB, 68 USPQ2d 1263 (Fed. Cir. 2003).* Both Buteau (column 5, line 21 – column 6, line 48; Figure 7) and Ruffin (column 13, line 38 – column 14, line 28) disclose considerations of technology security. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to incorporate a security "architecture" in order to protect the information of an enterprise.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buteau et al., U.S. Patent Number 6,442,557 B1 (hereinafter Buteau) in view of Ruffin et al., U.S. Patent Number 6,249,769 (hereinafter Ruffin) in view of Baudoin et al., U.S. Patent Number 7,290,275 B2 (hereinafter Baudoin) and further in view of McKenna et al., U.S. Patent Application Publication Number 2004/0010772 A1 (hereinafter McKenna).

Regarding Claim 1:
Buteau discloses a method of computer modeling integrated business and information technology frameworks and architecture in support of a business comprising:

identifying in a computer manageable entities of the business and the existing information technology supported by each manageable entity (column 1, line 58 – column 2, line 24; *focuses on the logical dependencies between an enterprise and its technologies…a wide variety of information about the current enterprise architecture must be collected and analyzed…answer a wide range of strategic questions about the current state…* (column 2, lines 53-63);

generating by the computer an overall architecture for the business, the overall architecture defining how the manageable entities relate to each other and to the existing information technology (column 2, lines 53-63; e*ntities of the work flow model, the information model and the technology model are linked defining relationships…* column 5, lines 43-51);

wherein the overall architecture contains a plurality of components, the plurality of components including a strategic plan (column 1, lines 58-67; column 11, line 59 – column 12, line 32; column 20, lines 62-66),

a business architecture (column 2, lines 14-17), an information architecture (column 15, line 24 – column 17, line 37), an application architecture (column 21, line 49 – column 22, line 14), a technology infrastructure architecture (column 17, line 38 – column 22, line 62),… and an enterprise IT management framework (column 6, lines 29-47);

implementing in the computer a common language in order to articulate the overall architecture (column 7, lines 19-34); and

generating by the computer a graphical representation of the overall architecture for the business according to the common language (column 7, lines 19-34; Figure 7).

Buteau does not explicitly disclose determining by the computer information technology requirements for the business in response to the existing information technology and the relationship among the manageable entities; generating by the computer a plan for implementation and deployment of future information technology among the manageable entities based on the determined information technology requirements for display by the computer within the graphical representation of the overall architecture, the plan including a future security architecture based on the future information and a transition between a current security architecture and the future security architecture; and …a security architecture.

However, Ruffin does disclose determining by the computer information technology requirements for the business in response to the existing information technology and the relationship among the manageable entities (Abstract; column 3, line 10 – column 4, line 64). Buteau discloses *optimal priorities for technology upgrades… interrelationships between the people 20 in the enterprise, the location(s) 22 of the enterprise, the processes 24 used in the enterprise, the information 26 used by the enterprise, and the technology components 28 of the enterprise* and an organization generating and collecting information *to help develop, for example, a common MIS* [Management Information System] *architecture* (column 1, lines 15-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the automation of determining what a business requires after first gathering the information about the current state in order to provide support for decisions.

Ruffin further discloses generating by the computer a plan for implementation and deployment of future information technology among the manageable entities based on the determined information technology requirements (Abstract; column 3, line 10 – column 4, line 64). For example, Ruffin discloses that *[t]he customer is prompted to address questions on a detailed input template for each of the ranked partitions. The answers and the opportunity identified within each of the ranked partitions are each provided to an opportunity tool set comprising logic tools such as sizers, proposal generators, financial tools, work assessment tools, planning tools and architectural templates, each of which may be custom tools or standardized software packages, for determining factors such as architecture, the work plan and the financial business case associated with enhancements recommended for a particular partition* (column 4, lines 40-53).

Buteau discloses, for example, *relationships between enterprise components (e.g., technology distribution over locations). Instances of these entities cannot be identified independently from the component entities they interrelate; therefore, they must be the last parts of an enterprise architecture to be specified. Attributes and relationships of these entities are likely to change significantly over time in ways that are important to the architect and the planner. These entities as described above are implementation use, information access, …technology acquisitions, technology acquisition items, technology distribution, technology item types, technology security, and technology sets* (column 5, lines 21-42; column 6, lines 6-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Buteau with that of Ruffin to generate a plan for implementation/deployment of future information technology in order to ensure a smooth transition.

Furthermore, Baudoin discloses a security architecture (Abstract; Figure 4). And, McKenna discloses *detailed transition and contingency plan sign-off 850 is provided for ensuring that a plan is in place to transition from the present system to the new system,* which includes *a design security profiles sign-off 856, and... a design security architecture sign-off 866* ([0082]-[0084]). Both Buteau (column 5, line 21 – column 6, line 48; Figure 7) and Ruffin (column 13, line 38 – column 14, line 28) disclose considerations of technology security. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the security architecture plans and transition phase in order to protect the information of an enterprise and to ensure a smooth transition.

Regarding Claim 2:
Buteau further teaches wherein the overall architecture addresses people, processes, and technology of the business (column 1, lines 30-35).

Regarding Claim 3:
Buteau further teaches wherein the strategic plan component includes a business plan, a product plan, a financial plan, an organization plan, a marketing plan, and a future information technology plan in support of the aforementioned plans (column 1, lines 58-67; column 11, line 59 – column 12, line 32; column 20, lines 62-66).

Regarding Claim 4:
Buteau further teaches wherein the business architecture component defines current business direction, objectives, and supporting processes as well as future direction, objectives, and supporting processes (column 2, lines 14-17).

Regarding Claim 5:
Buteau further teaches wherein the information architecture component provides information and data management precepts, an information-application software portfolio, and a geo-structural view of existing and future information technology deployment (column 15, line 24 – column 17, line 37).

Regarding Claim 6:
Buteau further teaches wherein the application architecture component defines an application software portfolio and integration relationships for the manageable entities of the business (column 21, line 49 – column 22, line 14).

Regarding Claim 7:
Buteau further teaches wherein the technology infrastructure architecture component enables access to information and, geo-structural layouts for the existing and future information technology (column 17, line 38 – column 22, line 62).

Regarding Claim 8:
Baudoin further teaches wherein the security architecture component describes how security measures fit into the overall architecture of the business to meet its security objectives (Abstract; Figure 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a security architecture in order to protect the information and practices of an enterprise.

Regarding Claim 9:
Buteau further teaches wherein the enterprise information technology management framework component provides existing and future information technology services and products, management of the services, IT systems and network management, and the enterprise IT management organization capabilities, competencies, skills, and performance models (column 6, lines 29-47).

Regarding Claim 10:
Buteau further teaches further comprising: decomposing by the computer the manageable entities so that each manageable entity has a relative independence from other manageable entities but is in context with the overall enterprise architecture (column 5, lines 52-62).

Regarding Claim 11:
Buteau further teaches wherein the overall architecture provides the starting point for determining the context and foundation components and elements needed to build either a Strategic IT Plan, overall enterprise architecture, or enabling IT solutions for an enterprise (column 1, lines 16-22).

9. **Claims 12-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Buteau et al., U.S. Patent Number 6,442,557 B1 (hereinafter Buteau) in view of Baudoin et al., U.S. Patent Number 7,290,275 B2 (hereinafter Baudoin) and further in view of McKenna et al., U.S. Patent Application Publication Number 2004/0010772 A1 (hereinafter McKenna).

Regarding Claim 12:
Buteau teaches a computer readable medium (column 4, lines 48-63) including code for modeling integrated business and information technology frameworks and architecture in support of a business, the code operable to:

receive data associated with manageable entities of the business and existing information technology supported by each manageable entity (column 1, line 58 – column 2, line 24; *focuses on the logical dependencies between an enterprise and its technologies…a wide variety of information about the current enterprise architecture must be collected and analyzed…answer a wide range of strategic questions about the current state…*; column 2, lines 53-63);

generate an overall architecture defining how manageable entities of a business relate to one another and to the existing information technology (column 2, lines 53-63; e*ntities of the work flow model, the information model and the technology model are linked defining relationships…;* column 5, lines 43-51), the overall architecture including:

a strategic business plan component providing context and guidance that drive definition of business

functions, processes, systems, and organization (column 1, lines 58-67; column 11, line 59 – column 12, line 32; column 20, lines 62-66);

a business architecture component reflecting what the business does in the present as well as in the future to accomplish particular business requirements (column 2, lines 14-17);

an information architecture component representing what information is to be delivered to individuals across the business (column 15, line 24 – column 17, line 37);

an application architecture component supporting business process execution and information flow (column 21, line 49 – column 22, line 14);

a technology infrastructure architecture component supporting execution of activities and defining what information technology components are needed to enable access to information (column 17, line 38 – column 22, line 62);

an enterprise information technology management architecture component dealing with business and organizational management of providing information technology services and products as well as systems, network, and element management (column 6, lines 29-47);

generate a plan for implementation and deployment of future information technology among the manageable entities pursuant to the various components of the overall architecture in response to how the manageable entities relate and to the existing information technology (column 5, lines 21-42; column 6, lines 6-39).

Furthermore, Baudoin teaches a security architecture component describing how security measures fit into the overall architecture of the business to meet its security objectives (Abstract; Figure 4). And, McKenna discloses *detailed transition and contingency plan sign-off 850 is provided for ensuring that a plan is in place to transition from the present system to the new system,* which includes *a design security profiles sign-off 856, and... a design security architecture sign-off 866* ([0082]-[0084]). Both Buteau (column 5, line 21 – column 6, line 48; Figure 7) and Ruffin (column 13, line 38 – column 14, line 28) disclose considerations of technology security. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the security architecture plans and transition phase in order to protect the information of an enterprise and to ensure a smooth transition.

Regarding Claim 13:
Baudoin further teaches wherein the security architecture component includes security and business continuity requirements (column 12, *Implications for business continuity plans…*; column 25, *Business Continuity Arrangements…*),

an information security view (column 28, *Security of exchange of data…*; column 36, *Validation control while data input…*),

an application security view (column 29, *Business Requirements for Access Control…application access*),

a security infrastructure view (column 9, *Information Security Infrastructure…*), and

an information security administration/management/training view (column 10, *Information security education and training*; column 16, *User Training…*; column 26, *Procedures for reporting and recovery…*; column 30, *User Access Management…*).

Regarding Claim 14:
Baudoin further teaches wherein the information security view is responsible for supervision of data within the overall architecture of the business (column 28, *Security of exchange of data…*; column 36, *Validation control while data input…*).

Regarding Claim 15:
Baudoin further teaches wherein the application security view is responsible for the supervision of applications within the overall structure of the business (column 29, *Business Requirements for Access Control…application access*).

Regarding Claim 16:
Baudoin further teaches wherein the security infrastructure view is responsible for supervision of the infrastructure within the overall architecture of the business (column 9, *Information Security Infrastructure…*).

Regarding Claim 17:
Baudoin further teaches wherein the information security administration/management/training view is responsible for managing access and within the overall structure of the business (column 10, *Information security education and training*; column 16, *User Training…*; column 26, *Procedures for reporting and recovery…*; column 30, *User Access Management…*).

Regarding Claim 18:
Baudoin further teaches wherein the security and business continuity requirements provide inputs for implementing information security within the overall architecture of the business (column 12, *Implications for business continuity plans…*; column 25, *Business Continuity Arrangements…*).

Regarding Claim 19:
Buteau further teaches wherein the code is further operable to: graphically displaying the overall architecture of the business; graphically displaying how the future information technology is to be implemented and deployed within the overall architecture in response to the generated plan (column 3, lines 57-67; column 5, lines 21-42; column 6, lines 6-39).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBRA ANTONIENKO whose telephone number is (571)270-3601. The examiner can normally be reached on Monday through Thursday, 7:30 AM to 4:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DA

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
7/6/09